



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,358	07/30/2003	Mark Schmidt	108-194USANF0	9266

7590 05/24/2006
Thomas J. Perkowski, Esq., P.C.
Soundview Plaza
1266 East Main Street
Stamford, CT 06902

EXAMINER

LABAZE, EDWYN

ART UNIT	PAPER NUMBER
----------	--------------

2876

DATE MAILED: 05/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

31

Office Action Summary	Application No. 10/630,358	Applicant(s) SCHMIDT ET AL.	
	Examiner EDWYN LABAZE	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 93-104 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 93-104 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1132003, 4122004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt is acknowledged of IDS filed on 11/03/2003 and 4/12/2004.
2. This application is a CON of 10/342,433 filed on 01/12/2003 PAT 7,028,904 which is a CIP of 09/204,176 filed on 12/03/1998 PAT 6,283,375 and is a CIP of 09/452,976 filed on 12/02/1999 PAT 6,595,420.
3. Claims 93-104 are presented for examination.

Claim Objections

4. Claim 93 is objected to because of the following informalities:

Re claim 93 (page 5, line 26): The applicant claims the limitations "the strength". There is no antecedent basis for this limitation. The applicant is respectfully requested to amend the claimed limitation so as to render the claimed language in condition for allowance.

Furthermore, the applicant is also requested to amend other {non-cited} minor informalities {regarding the claims, drawings and/or specifications} so as to avoid further delays

Appropriate correction is required.

Allowable Subject Matter

5. Claims 93-104 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record, Knowles et al. (U.S. 6,688,527), taken alone or in combination with any other references, fails to specifically teach a wireless hand-supportable bar code reader in two-way RF communication with a station, wherein the bar code reader further includes a data group

Art Unit: 2876

packet buffer, a first RF-based transceiver chipset, disposed in the hand-supportable housing; a second RF-based transceiver chipset disposed with the base station for enabling communication of data packets between the wireless reader and the station, and wherein a controller automatically detects when the reader is outside of predetermined RF range based on a strength of the detected reference signal, and thereupon automatically collect and store in the data packet group buffer. These limitations in conjunction with other limitations in the claimed invention were not shown by the prior art of record.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bridgelall et al. (U.S. 6,415,982) discloses triggered data collector and data transmitter.

Wilz et al. (U.S. 6,321,989) teaches method and apparatus for programming system function parameters in programmable code symbol readers

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2876

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el
Edwyn Labaze
Patent Examiner
Art Unit 2876
May 12, 2006



**THIEN M. LE
PRIMARY EXAMINER**